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DIV. OF OIL, GAS & MINING

BEFORE THE DIVISION OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

| | | |
|-------------------------------|---|---------------------------|
| IN THE MATTER OF CONDITIONAL | : | APPEARANCE OF COUNSEL AND |
| APPROVAL OF THE NOTICE OF THE | : | MOTION FOR CONTINUANCE OF |
| INTENTION TO COMMENCE LARGE | : | INFORMAL HEARING |
| MINING OPERATIONS AND | : | |
| RECLAMATION PLAN FOR EARTH | : | No.: M/047/0090 |
| ENERGY RESOURCES, INC., PR | : | |
| SPRING MINE, UINTAH AND GRAND | : | |
| COUNTIES, UTAH | : | |

A. John Davis, E. Blaine Rawson and Ryan Jibson of Holme Roberts & Owen, LLP hereby enter their Appearance of Counsel on behalf of Respondent, Earth Energy Resources, Inc., in Opposition to the Request for Agency Action filed October 9, 2009 by the Western Resource Advocates on behalf of the Southern Utah Wilderness Alliance and the Utah Chapter of the Sierra Club, Petitioners. Respondent hereby moves the Division of Oil Gas & Mining ("Division") or the Division Director as appropriate, for an Order vacating the date for Informal Hearing on the Petition set for November 9, 2009 on the grounds that one of Respondent's central witnesses, Karla Knoop of JBR Environmental Consultants Inc. ("JBR") is unavailable on that day as she will be out of town on business matters.

JBR is the consulting firm assisting Respondent with the Notice of Intention to Commence Large Mining Operations and its environmental and other permitting and Ms. Knoop

is the professional hydrologist with knowledge of the facts pertaining to the water quality, soil erosion and storm water runoff issues raised by Petitioners.

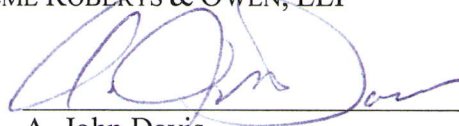
Accordingly, Respondent hereby respectfully requests that the date for the Informal Hearing be vacated and that the Hearing be rescheduled on a date and time as directed by the Division or the Director, as appropriate.

To assist the Division in scheduling, Respondent will send under separate cover alternate dates on which it, its witnesses and counsel will be available.

DATED this 27th day of October, 2009.

HOLME ROBERTS & OWEN, LLP

By:



A. John Davis
Attorney for Petitioner
299 South Main, Suite 1800
Salt Lake City, Utah 84111

CERTIFICATE OF SERVICE

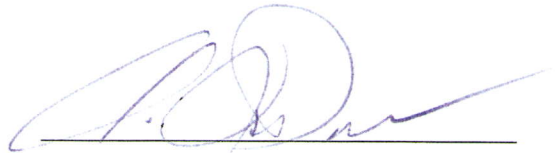
The undersigned hereby certifies that on this 27th day of October, 2009, a true and correct copy of the foregoing **APPEARANCE OF COUNSEL AND MOTION FOR CONTINUANCE OF INFORMAL HEARING** was served by electronic mail and U.S. Mail, postage prepaid upon the recipients named below:

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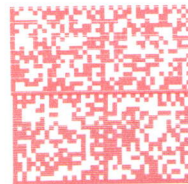
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